

FILED

UNITED STATES COURT OF APPEALS

OCT 11 2005

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Petitioner-Appellant,

v.

DONALD JAMES IKARI,

Respondent-Appellee.

No. 04-50320

D.C. No. CR-04-31-LGB
Central California

ORDER

Before: O'SCANNLAIN, CALLAHAN, and BEA, Circuit Judges

The petition for panel rehearing is granted.

The memorandum disposition filed August 15, 2005, is withdrawn, and the attached memorandum shall be filed in its place.